

Remarks

Claims 1-13 and 22-24 have been canceled. Thus, claims 14-21 are presented for Examiner Osele's consideration.

Claim 14 has been amended to further require that the outer cover with the first graphic is supplied to a second printing operation and the second printing operation is on a manufacturing line for absorbent articles. Support for this amendment can be found throughout the specification including at page 8, lines 20-22. No new matter has been added.

Pursuant to 37 C.F.R. § 1.111, Applicants respectfully request reconsideration of the present claims in view of the foregoing amendments and remarks and the following responses.

Response to Rejections

By way of the Office Action mailed January 26, 2009, the Examiner rejects claims 1-4 and 10 under 35 U.S.C. § 102(b) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 6,129,264 to Travers et al. (hereinafter “Travers”).

Claims 1-4 and 10 have been canceled thereby rendering this rejection moot.

By way of the Office Action mailed January 26, 2009, the Examiner rejects claims 1-4 and 10 under 35 U.S.C. § 102(b) as allegedly being anticipated and thus unpatentable over U.S. Patent No. 5,906,156 to Shibuya et al. (hereinafter “Shibuya”).

Claims 1-4 and 10 have been canceled thereby rendering this rejection moot.

By way of the Office Action mailed January 26, 2009, claim 5 has been rejected under 35 U.S.C. §103(a) as being unpatentable over either Travers or Shibuya in view of U.S. Patent No. 4,176,406 to Matkan (hereinafter “Matkan”).

Claim 5 has been canceled thereby rendering this rejection moot.

By way of the Office Action mailed January 26, 2009, claims 6 and 9 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shibuya in view of U.S. Patent No. 6,307,119 to Cammarota et al. (hereinafter “Cammarota”).

Claims 6 and 9 have been canceled thereby rendering this rejection moot.

By way of the Office Action mailed January 26, 2009, claims 7 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,766,389 to Brandon et al. (hereinafter “Brandon”) in view of either Travers or Shibuya. This rejection is respectfully traversed.

Claims 7 and 8 have been canceled thereby rendering this rejection moot.

By way of the Office Action mailed January 26, 2009, claims 11-13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Travers or Shibuya as applied to claims 7-8 above and further in view of U.S. Patent No. 5, 503,076 to Yeo (hereinafter “Yeo”).

Claims 11 and 13 have been canceled thereby rendering this rejection moot.

By way of the Office Action mailed January 26, 2009, claims 14-17 and 21 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Travers or Shibuya and Yeo as applied to claims 11-13 and further in view of U.S. Patent No. 6,297,424 to Olson et al. (hereinafter “Olson”). This rejection is respectfully traversed as applied to the currently presented claims.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or references when combined) must teach or suggest all the claim limitations. MPEP §2143. The application of the “teaching, suggestion, or motivation” (TSM) test is not “rigid.” However, “there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 USPQ2d 1385, 1396 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)) (emphasis added).

Applicants' claim 14 as amended requires, *inter alia*, contact printing a first graphic on the film portion of an outer cover laminate in a first printing operation and then providing the outer cover with the first graphic to a manufacturing line for absorbent articles to non-contact print a second graphic on the outer cover.

The Examiner previously rejected this claim over the combination of Brandon, Travers or Shibuya, Yeo, and Olson. With regard to Brandon, the Examiner states at paragraph 8 of the Office Action that

It would have been obvious to one of ordinary skill in the art at the time of the invention to use contact printing followed by non-contact printing in the method of Brandon et al. because Travers et al. teaches that variable graphics are more easily changed using non-contact printing so the use of contact printing can print non-variable graphics while downstream non-contact printing can print variable graphics depending on the product being made....

Even assuming *arguendo*, that the Examiner's assertion is true, Applicants have amended claim 14 to further require that the outer cover, printed with the first graphic with contact printing, is provided to a manufacturing line for absorbent articles wherein the second graphic is printed on the outer cover using non-contact printing. In other words, the claim requires two-step printing wherein the contact printing (first step) on the outer cover occurs before presentation to the manufacturing line for absorbent articles. The non-contact printing (second step) on the outer cover occurs on the manufacturing line for absorbent articles. The prior art, alone or in combination, does not teach or suggest these claim limitations.

To wit, Brandon teaches using pre-printed material (col. 6: ll. 48-51) and states that graphics can be provided in any suitable manner (col. 12: ll. 25-27). Thus, Brandon does not suggest any printing on the absorbent article manufacturing line. Additionally, there is no teaching or suggestion in Brandon to non-contact print on an outer cover that has already been printed by contact (i.e., two different forms of printing). Likewise, there is no teaching or suggestion in Travers, Shibuya, Yeo, or Olson to contact print outer cover with a first graphic and then provided the printed outer cover to an absorbent article manufacturing line to be non-contact printed with a second graphic as required by

Applicants' currently amended claim 14. Applicants respectfully request that the rejection of claim 14 and its dependent claims be withdrawn for at least this reason.

Similarly, Applicants' claim 21 requires, *inter alia*, contact printing a first graphic (first step) on the outer cover before presentation to the converting operation that forms absorbent articles. The non-contact printing (second step) on the outer cover occurs in the converting operation. The prior art, alone or in combination, does not teach or suggest these claim limitations.

Applicants respectfully request that the rejection of claim 21 be withdrawn for at least this reason.

By way of the Office Action mailed January 26, 2009, claims 18-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brandon in view of Travers or Shibuya as applied to claims 7-8 above and further in view of U.S. Publication No. 2005/0149389 to Odorzynski (hereinafter "Odorzynski") and Cammarota. This rejection is respectfully traversed.

Applicants' claim 18 requires, *inter alia*, an "absence advertisement." The Examiner cites Odorzynski and states that "any known advertising technique, including absence advertisements, would be envisioned by one of ordinary skill in the art from the disclosure of Odorzynski which teaches a wide array of advertising techniques and suggests that others are possible." (Office Action at page 9).

Applicants' respectfully disagree. Odorzynski teaches the placement of advertising on baby diapers. These ads include detachable items, codes, and the like. However, Odorzynski does not teach or suggest "absence advertisements". As defined in Applicants' specification at the paragraph bridging pages 20 and 21, an "absence advertisement" is a graphic that conveys the message that an additional graphic is missing. Odorzynski does not teach or suggest advertisements that indicate that a graphic is missing and thus no *prima facie* case of obviousness has been established.

Applicants respectfully request that rejection of claim 18 and its dependent claims be withdrawn.

Appl. No. 10/813,873
Response dated April 27, 2009
Reply to Office Action of January 26, 2009

By way of the Office Action mailed January 26, 2009, claim 23 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Travers.

Claim 23 has been canceled thereby rendering this rejection moot.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3016.

Respectfully submitted,

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I hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the United States Patent and Trademark Office using the Electronic Filing System on April 27, 2009.

/JudithMAnderson/

Signature

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Typed Name